

**Commonwealth of Kentucky
Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality
200 Fair Oaks Lane, 1st Floor
Frankfort, Kentucky 40601
(502) 564-3999**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Cooper Standard Automotive
Mailing Address: 250 Oak Grove Drive, Mt. Sterling, KY 40353

Source Name: Cooper Standard Automotive
Mailing Address: 250 Oak Grove Drive
Mt. Sterling, KY 40353

Source Location: Montgomery County Kentucky

Permit: V-08-040
Agency Interest: 39374
Activity: APE20080002
Review Type: Title V/Synthetic Minor, Operating
Source ID: 21-173-00030

Regional Office: Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102
(606) 929-5285

County: Montgomery

Application
Complete Date: 12-01-2008
Issuance Date:
Revision Date: 12-08-2008
Expiration Date: 12-08-2013

**John S. Lyons, Director
Division for Air Quality**

TABLE OF CONTENTS

SECTION	DATE OF ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	Renewal	1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE	Renewal	2
C. INSIGNIFICANT ACTIVITIES	Renewal	9
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	Renewal	10
E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	Renewal	11
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	Renewal	12
G. GENERAL PROVISIONS	Renewal	15
H. ALTERNATE OPERATING SCENARIOS	Renewal	22
I. COMPLIANCE SCHEDULE	Renewal	22

Permit number	Permit type	Activity#	Complete Date	Issuance Date	Summary of Action
F-95-016	Federally Enforceable		1995	10-16-1995	Initial permit VOC limit 130 T/Y
V-97-026	Initial TV	Log#F275	1997	2-18-1998	Source wide VOC 225 T/Y
V-97-026 R1	Revision 1	Log F641	1998	8-31-1998	Addition of emission units in B section of permit
V-97-026 R2	Revision 2	Log F854	2003	2-18-2003	Addition of insignificant activity units
V-03-041	Renewal	APE20040001	4-10-2003	12-8-2003	Renewal Permit
V-03-041 R1	Minor Revision	APE20050004	3-3-2004	6-1-2004	Voluntary self disclosure on 12 MMBtu/hr Boilers
V-03-041 R2	Minor Revision	APE20060001	7-5-2006	7-11-2006	Addition of insignificant activities
V-03-041 R3	Minor Revision	APE20070001	12-17-2007	12-17-2007	Temporary unit-03 boiler 14MMBtu/hr for repairing boiler EU-01 rated at12.6 MMBtu/hr
V-03-041 R4	Minor Revision	APE20080001	2-11-2008	4-8-2008	Temporary unit-04 boiler 14MMBtu/hr for repairing boiler EU-02 rated at12.6 MMBtu/hr
V08-040	Renewal	APE20080002	10-21-2008	?	Renewal Permit

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emissions Units: 01, 02 & 03 (SN-1, SN-2 & SN-3-3) Three Indirect Heat Exchangers

Description:

Natural gas-fired units

Maximum continuous rating: (3) 12.6 MMBtu/hr each

Construction commenced: SN-1 & SN-2 1996, SN-3-3 2008

Applicable Regulations:

401 KAR 59:015, New Indirect Heat Exchangers, applicable to an emission unit with a capacity less than 250 MMBtu/hr and commenced on or after April 9, 1972

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:015, Section 4(1)(c) particulate emissions from each stack shall not exceed 0.41 lb/MMBtu.
- b. Pursuant to 401 KAR 59:015, Section 4(2), emissions shall not exceed twenty (20) percent opacity based on a six-minute average except a maximum of forty (40) percent opacity for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the firebox or blowing soot.
- c. Pursuant to 401 KAR 59:015, Section 4(2)(c), for emissions shall not exceed 20% opacity based on a six minute average, except for emissions from an indirect heat exchanger during building a new fire for the period required to bring the boiler up to operating condition, provided the method used is the recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- d. Pursuant to 401 KAR 59:015, Section 5(1)(c), the sulfur dioxide emission rate from each stack shall not exceed 1.74 lbs/MMBtu.
- e. Each unit is considered to be in compliance with the PM, SO₂, and opacity standards while burning natural gas.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the natural gas usage rates on a monthly basis.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Record Keeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of monthly natural gas usage on a monthly basis.

6. Specific Reporting Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emissions Units: 04, 05, and 06 SN-4, SN-5, and SN-6

Knit/spiral Hose Line 1, 2 & 3

Description:

Two coolers, one reinforcing machine, one printer station, and one cutter.

Construction commenced: 1996

Control Device: None

Applicable Regulations:

401 KAR 63:021, Existing sources emitting toxic air pollutants.

1. Operating Limitations:

Pursuant to 401 KAR 52:020 Section 26, the maximum usage rate of ink in the printer station shall not exceed 0.1 gallon per hour (each line). Compliance with maximum processing rate shall be in compliance with 63:021.

Compliance Demonstration

The hourly usage rate of ink shall be calculated from the monthly ink processed and hours of operation.

2. Emission Limitations:

See Section D.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the ink used (recording the name, density, weight fraction organic, and monthly amount used), and hours of operation on monthly basis.

5. Specific Record Keeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the ink used (recording the name, density, weight fraction organic, and monthly amount used), and hours of operation on monthly basis.

6. Specific Reporting Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit: 07 (SN-4, SN-5, SN-6, SN-7) -Off-line hose reinforcing operation and all adhesive application operations

Description:

Three adhesive application operations (SN-4, SN-5, #3A at SN-6), one off-line adhesive application operation (SN-7), and a reinforcing machine (SN-7)

Construction commenced: 1996

Control Device: None

Applicable Regulations:

401 KAR 63:021, Existing sources emitting toxic air pollutants.

1. Operating Limitations:

Pursuant to 401 KAR 52:020, Section 26, the maximum usage rate of solvents in all of the adhesive application operations (SN-4, SN-5, SN-6, SN-7) shall not exceed 2460 gallons per month, total. Compliance with maximum processing rate shall be in compliance with 63:021.

Compliance Demonstration

The monthly usage rate of solvent shall be calculated from the monthly gallons of solvent processed. The permittee shall demonstrate compliance with this limit by meeting the requirements of subsection 4, Specific Monitoring Requirements and subsection 5, Specific Record Keeping Requirements.

2. Emission Limitations:

See Section D.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, permittee shall monitor the solvents used (recording the name, density, and amount used), and gallons per month of solvents shall be maintained.

5. Specific Record Keeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, permittee shall maintain records of the monthly solvents used (recording the name, density, and amount used), and gallons per month of solvents shall be maintained.

6. Specific Reporting Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Units: 09 - 16 (SN-9 through SN-16) - Eight Autoclaves

Description:

Eight autoclaves

Construction commenced: 1996

Control Device: None

Applicable Regulations:

401 KAR 63:021, Existing sources emitting toxic air pollutants.

401 KAR 50:045. Performance tests.

1. Operating Limitations:

Pursuant to 401 KAR 52:020, Section 26, the maximum processing rate of rubber shall not exceed 1200 pounds per hour for each autoclave. Compliance with maximum processing rate shall be in compliance with 63:021.

Compliance Demonstration

The hourly-processing rate of rubber shall be calculated from the monthly rubber processed and hours of operation.

2. Emission Limitations:

See Section D.

3. Testing Requirements:

Pursuant to 401 KAR 50:045, within 180 days upon issuance of the final permit V-08-040, the permittee shall conduct a performance test particulate matter emissions for each unit, using EPA Reference Method 5B or 17. This performance test shall be performed concurrently with two emission units running, and the testing shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit.

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, permittee shall monitor the rubber processed and hours of operation on a monthly basis.

5. Specific Record Keeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, permittee shall maintain records of the pounds of rubber processed per hour and hours of operation on a monthly basis.

6. Specific Reporting Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit: 23 (SN-23) - Hose Finishing Operations

Description:

Various cutters, jigs, markers, and finishing equipment

Construction commenced: 1996

Control Device: None

Applicable Regulations:

401 KAR 63:021, Existing sources emitting toxic air pollutants.

1. Operating Limitations:

- a) Pursuant to 401 KAR 52:020, Section 26, the maximum usage rate of adhesive shall not exceed 58 gallons per month. Compliance with maximum processing rate shall be in compliance with 63:021.

Compliance Demonstration

The usage rate of adhesive shall be calculated from the monthly adhesive used.

- b) Pursuant to 401 KAR 52:020, Section 26, the maximum usage rate of solvent shall not exceed 610 gallons per month. Compliance with maximum processing rate shall be in compliance with 63:021.

Compliance Demonstration

The usage rate of solvent shall be calculated from the monthly solvent used.

- c) Pursuant to 401 KAR 52:020, Section 26, the maximum usage rate of ink in the printer station shall not exceed 30 gallons per month. Compliance with maximum processing rate shall be in compliance with 63:021.

Compliance Demonstration

The usage rate of ink shall be calculated from the monthly ink used.

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, permittee must monitor the adhesive, solvent, and ink used (recording the name, density, percent volatile organic, and amount used for each adhesive, solvent, and ink) on a monthly basis.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Record Keeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, permittee must maintain records of the monthly adhesive, solvent, and ink used (recording the name, density, percent volatile organic, and amount used for each adhesive, solvent, and ink) shall be maintained.

6. Specific Reporting Requirements:

See Section F.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. SN-17 Control pyrolysis cleaning Furnace rated at 0.40 MMBtu/hr	N/A
2. SN-21 One 300 gallon diesel storage tank	N/A
3. SN-22 One 5,215 gallon mandrel lube storage tank	N/A
4. Plastic Injection Diradia Presses	N/A
5. 80 gallon parts washer.	401 KAR 63:010
6. Rubber extruders (six)	401 KAR 59:010 & 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate, sulfur dioxide, visible (opacity) emissions, and toxic/hazardous air pollutants as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. State-only requirement: Pursuant to 401 KAR 63:021, existing sources emitting toxic air pollutants, the source wide emissions of the toxic constituent listed below shall not exceed the emission limitations specified herein:

<u>Toxic Constituent</u>	<u>Pounds per Hour Emission Limit Not to be Exceeded</u>
Carbon disulfide (CS ₂)	48.6

Permittee shall maintain and monitor records of emissions of the above constituents and hours of operation on a monthly basis.

Compliance Demonstration

Compliance with the volatile organic compounds emission limitation shall be determined as follows:

$$\left[\left(\frac{\text{Pounds}}{\text{Hour}} \right) \text{Carbon disulfide} = \left(\frac{\text{Pounds}}{\text{Hour}} \right) \text{Monthly Rubber Processed} \times \left(\frac{\text{Pounds}}{\text{Hour}} \right) \text{CS}_2 \text{ Emission Factor} \right]$$

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.

[Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - a. To access and copy any records required by the permit:
 - b. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.
 - d. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V) 1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within *30 days*. Other deviations from permit requirements shall *be included in the semiannual report required by Section F.6* [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;

SECTION F- MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- c. Whether compliance was continuous or intermittent;
The method used for determining the compliance status for the source, currently and over the reporting period, and
- d. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- e. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Ashland Regional Office
1550 Wolohan Drive Suite # 1
Ashland, KY 41102

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsythia Street
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
200 Fair Oaks Lane, First Floor
Frankfort, KY 40601

- 10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) 2.].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) 4.].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) 1.].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
 - q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in the permit and
 - (2) Non-applicable requirements expressly identified in this permit.
2. Permit Expiration and Reapplication Requirements
- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
 - b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].
3. Permit Revisions
- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
 - b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)**4. Construction, Start-Up, and Initial Compliance Demonstration Requirements**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission unit 3 (SN-3-3) in accordance with the terms and conditions of this permit.

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - (1) The date when construction commenced.
 - (2) The date of start-up of the affected facilities listed in this permit.
 - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.
- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

SECTION G - GENERAL PROVISIONS (CONTINUED)**5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Emergency Provisions

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - (5) This requirement does not relieve the source of other local, state or federal notification requirements.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].
7. Ozone Depleting Substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
8. Acid Rain Program Requirements
- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
9. Ozone Depleting Substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

10. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I- COMPLIANCE SCHEDULE

N/A